

AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 603

Introduced by Assembly Member Garcia

February 19, 2003

An act to amend Section 18370 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 603, as amended, Garcia. Polling places.

Under existing law, no one may place a sign as to voter qualifications or speak to a voter about his or her qualifications within 100 feet of a polling place, and a violation is a misdemeanor.

This bill would provide that, in addition, no one may place a sign displaying any ~~language~~ *insignia or slogan* identified with a particular candidate within 100 feet of a polling place *or do any electioneering, as defined by the bill*, and to do so would be a misdemeanor. Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 18370 of the Elections Code is amended to read:

18370. No person, on election day, or at any time that a voter may be casting a ballot, shall, within 100 feet of a polling place or an elections official's office:

(a) Circulate an initiative, referendum, recall, or nomination petition or any other petition.

(b) Solicit a vote or speak to a voter on the subject of marking his or her ballot.

(c) Place a sign relating to voters' qualifications or displaying any ~~language identified with a particular candidate~~ insignia or registered trademark slogan used by any organization that endorsed any candidate listed on the ballot or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.

(d) Do any electioneering, *hereby defined as campaigning for or against a candidate, ballot question, or political party by one of the following:*

(1) *Posting signs relating to the support of or opposition to a candidate, ballot question, or political party.*

(2) *Distributing literature relating to the support of or opposition to a candidate, ballot question, or political party.*

(3) *Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question, or political party.*

(4) *Buying, selling, wearing, or displaying any badge, button, or other insignia which is designed to or tends to aid or promote the success or defeat of any candidate, ballot question, or political party.*

(5) *Polling or otherwise soliciting from a voter information as to whether the voter intends to vote or has voted for or against any candidate, ballot question, or political party.*

(6) *Soliciting signatures to any petition.*

As used in this section, "100 feet of a polling place or an elections official's office" means a distance 100 feet from the room or rooms in which voters are signing the roster and casting ballots.

1 Any person who violates any of the provisions of this section is
2 guilty of a misdemeanor.

3 SEC. 2. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

